



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,017	04/23/2001	Ranjit Sahota	004572.P001	5826

7590 08/02/2005

Sang Hui Michael Kim
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

RIES, LAURIE ANNE

ART UNIT	PAPER NUMBER
----------	--------------

2176

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/841,017

Applicant(s)

SAHOTA ET AL.

Examiner

Laurie Ries

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 59-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 59-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: amendment, filed 19 May 2005, to the original application, filed 23 April 2001.

2. Claims 1-10 and 59-61 are pending. Claims 11-58 and 62-66 have been cancelled. Claims 1, 6, and 59 are independent claims.

Response to Arguments

3. Applicant's arguments, see amendment, filed 19 May 2005, with respect to the rejection(s) of claim(s) 59-61 under 35 U.S.C. 102(e) and claims 1-10 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of 35 U.S.C. 102(a) and 35 U.S.C. 103(a).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1, the term "normalized" is indefinite because it is not defined the specification of the Instant Application as to how this limitation applies within the context of the claim.

Claims 2-5 are rejected for fully incorporating the deficiencies of the base claim from which they depend.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 59-60 are rejected under 35 U.S.C. 102(a) as being anticipated by Puder ("System Support for Knowledge-Based Trading in Open Service Markets").

As per claim 59, Puder discloses a method for harvesting content including harvesting content from disparate content sources by accessing content and media assets from web sites on the Internet network (See Puder, Page 289, Introduction, first paragraph) based on acquisition and conversion rules stored in a repository (See Puder, Pages 291-292, Section 3).

As per claim 60, Puder discloses the limitations of claim 59 as described above. Puder also discloses navigating a web site using a browser to locate and access content and media assets (See Puder, Page 293, Section 3.2, first paragraph) without

changing existing content on the web site, in light of the definition of Web browser in the Microsoft Computer Dictionary, Third Edition (See Microsoft Computer Dictionary, Third Edition, Page 505, a "web browser" allows users to access files and software or browse documents on the World Wide Web and to play audio and video files associated with a document).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ensink ("XML Based Adaptation of the Composite Approach for Database Integration") in view of Spencer ("Using XML to Build Internet Solutions").

As per claims 1 and 6, Ensink discloses a syndication method and system including creating capture templates to harvest content from disparate content sources on multiple platforms (See Ensink, Pages 4-5, Section 5.1), extracting data from the disparate content sources using the created capture templates to control the extraction process (See Ensink, Pages 4-5, Section 5.1), and providing the data for optimized display on one or more different types of platforms (See Ensink, Page 5, Column 1, first paragraph). Ensink does not disclose expressly that the data is presented in a

standardized, normalized data stream. Spencer discloses data in the form of a standardized data stream (See Spencer, Paragraphs 1-2). Ensink and Spencer are analogous art because they are from the same field of endeavor of using XML to represent data. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the standardized data stream of Spencer with the system and method of Ensink. The motivation for doing so would have been to enable a variety of applications to read from and write to the data (See Spencer, Paragraph 1). Therefore, it would have been obvious to combine Spencer with Ensink for the benefit of enabling a variety of applications to read from and write to the data to obtain the invention as specified in claims 1 and 6.

As per claims 2 and 7, Ensink and Spencer disclose the limitations of claims 1 and 6 as described above. Ensink also discloses that the content includes XML content, which is one of the possible content types set forth in claims 2 and 7 (See Ensink, Page 4, Section 5.1).

7. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ensink ("XML Based Adaptation of the Composite Approach for Database Integration") in view of Spencer ("Using XML to Build Internet Solutions") as applied to claims 1 and 6 above, and further in view of Lonroth (U.S. Patent 6,826,597 B1) and Nussbaum (U.S. Patent 6,779,154 B1).

As per claims 3 and 8, Ensink and Spencer disclose the limitations of claims 1 and 6 as described above. Ensink and Spencer do not disclose expressly creating one

or more XML files or documents to define rules, logic, and content extraction parameters. Lonroth discloses that the creating of the capture templates includes creating one or more XML files or documents to define rules, logic, and content extraction parameters (See Lonroth, Column 2, lines 35-51, Column 3, lines 23-31, and Column 9, lines 39-49). , Ensink and Spencer also do not disclose expressly that the capture templates are to provide an ability to insert new media types and content optimized for a particular platform. Nussbaum discloses inserting new media types and content (See Nussbaum, Column 8, lines 14-34). Ensink, Spencer, Lonroth and Nussbaum are analogous art because they are from the same field of endeavor of using XML to represent data. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the creation of XML files to define rules, logic and content extraction parameters of Lonroth with the method of harvesting data of Ensink and Spencer. The motivation for doing so would have been to allow clients to retrieve data from data sources that do not necessarily support the same protocols and formats as the clients (See Lonroth, Column 3, lines 14-16). At the time of the invention it would also have been obvious to a person of ordinary skill in the art to include the insertion of new media types and content of Nussbaum with the system and method of Ensink and Spencer. The motivation for doing so would have been, as in the example presented in Nussbaum, to enable a browser to recognize a stored "help" file as an audio file to be played by an audio plug-in (See Nussbaum, Column 8, lines 32-34). Therefore, it would have been obvious to combine Lonroth and Nussbaum with Ensink and Spencer for the benefit of to allowing clients to retrieve data from data

sources that do not necessarily support the same protocols and formats as the clients, and enabling a browser to recognize a stored "help" file as an audio file to be played by an audio plug-in, to obtain the invention as specified in claims 3 and 8.

8. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ensink ("XML Based Adaptation of the Composite Approach for Database Integration") in view of Spencer ("Using XML to Build Internet Solutions") as applied to claims 1 and 6 above, and further in view of Lonroth (U.S. Patent 6,826,597 B1).

As per claims 4 and 9, Ensink and Spencer disclose the limitations of claims 1 and 6 as described above. Ensink and Spencer do not disclose expressly generating content and code optimized and personalized for a specific platform, network or local market. Lonroth discloses that providing the standardized data stream for display includes providing the standardized data stream on a television display, personal computer display, or an electronic portable device display (See Lonroth, Column 3, line 67, and Column 4, lines 1-6), and generating content and code optimized, personalized for a specific platform, network environment or local market (See Lonroth, Column 3, lines 63-67, and Column 4, lines 1-14). Ensink, Spencer, and Lonroth are analogous art because they are from the same field of endeavor of using XML to represent data. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the optimized and personalized content for a specific platform, environment or local market of Lonroth with the method of harvesting data of Ensink and Spencer. The motivation for doing so would have been to allow clients to retrieve

Art Unit: 2176

and process data from data sources that do not necessarily support the same protocols and formats as the clients (See Lonnroth, Column 3, lines 14-16). Therefore, it would have been obvious to combine Lonnroth with Ensink and Spencer for the benefit of allowing clients to retrieve and process data from data sources that do not necessarily support the same protocols and formats as the clients to obtain the invention as specified in claims 4 and 9.

9. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ensink ("XML Based Adaptation of the Composite Approach for Database Integration") in view of Spencer ("Using XML to Build Internet Solutions") as applied to claims 1 and 6 above, and further in view of Arens ("Intelligent Caching: Selecting, Representing, and Reusing Data in an Information Server").

As per claims 5 and 10, Ensink and Spencer disclose the limitations of claims 1 and 6 as described above. Ensink and Spencer do not disclose expressly caching the data stream, templates or content. Arens discloses caching data or information (See Arens, Abstract). Ensink, Spencer and Arens are analogous art because they are from the same field of endeavor of storing and accessing electronic data. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the caching of data of Arens with the data stream, templates and content of Ensink and Spencer. The motivation for doing so would have been to reduce the cost of retrieving data (See Arens, Abstract). Therefore, it would have been obvious to combine Arens

with Ensink and Spencer for the benefit of reducing the cost of retrieving data to obtain the invention as specified in claims 5 and 10.

10. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Puder ("System Support for Knowledge-Based Trading in Open Service Markets") as applied to claim 59 above, and further in view of Kremen (U.S. Patent 5,706,434).

As per claim 61, Puder discloses the limitations of claim 59 as described above. Puder does not disclose expressly using an Internet protocol. Kremen discloses using standard data communication network protocols, including the Transmission Control Protocol/Internet Protocol suite (TCP/IP) (See Kremen, Column 2, lines 61-66). Puder and Kremen are analogous art because they are from the same field of endeavor of transmitting data over the Internet. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the TCP/IP protocol of Kremen with the method of harvesting content of Puder. The motivation for doing so would have been to allow for a diverse set of client applications that communicate using TCP/IP, thus supporting the diversity of data communications in the commercial marketplace (See Kremen, Column 2, lines 66-67, and Column 3, lines 1-5). Therefore, it would have been obvious to combine Kremen with Puder for the benefit of allowing for a diverse set of client applications that communicate using TCP/IP that supports the diversity of data communications in the commercial marketplace to obtain the invention as specified in claim 61.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Wegner discloses a visual interface for synchronous collaboration and negotiated transactions.
- Singh (U.S. Patent 6,308,206 B1) discloses Internet enabled computer system management.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurie Ries whose telephone number is (571) 272-4095. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached at (571) 272-4136.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LR

William F. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
7/29/2005